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10/071,353	02/11/2002	Misao Takano	0033-0787P	7449

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EXAMINER

BAYAT, ALI

ART UNIT PAPER NUMBER

2625

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/071,353	Applicant(s) TAKANO ET AL.	
	Examiner Ali Bayat	Art Unit 2625	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-34 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,9-13,16-20 and 35 is/are rejected.
- 7) ☒ Claim(s) 2,5-8,14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/11/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 20 and 35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Because the terminology "A computer program" alone has no set definition. The following claim formats are acceptable and not subject to a 101 rejection "A computer program embodied in a computer readable medium for performing the steps of ..." and "A computer readable medium for storing a program for performing the steps of ...". See MPEP 2106.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3-4 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakai et al.(U.S. 5,453,853).

In regard to claim 1, Sakai provides for an original image data input means for inputting original image data obtained by shooting a subject (Fig.1 element 1, col.3 lines 15-19); and a control means (Fig.1 element 10) for correcting (Fig.1 element 14) said original image data inputted by said original image data input means (Fig.1 element 1,

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col.3 lines 15-19), using shooting color chart data (Fig. 1 element 4, col.4 lines 1-5) which is image data (Fig.1 element 12, col.3 lines 45-50) obtained by shooting a color chart using a light source (Fig.1 element 5, col.4 lines 5-6) of a same type as a type of a light source used at shooting of said subject (Fig.1 element 4, col. 4 lines 1-5), and predetermined color chart data which is image data obtained (Fig.1 elements 6-7, col.4 lines 24-33) by shooting said color chart using a predetermined type of light source (Fig.1 element 5, col.4 lines 5-6), such that said original image data (Fig.1 element 12, col. 3 lines 45-50) is corrected to be predetermined image data obtained by shooting said subject using said predetermined type of light source (Fig.1 element 5, col.4 lines 5-6).

With regard to claim 3, Sakai provides for an image data output means for producing an output of said predetermined image data (Fig.1 element 3, col.4 lines 62-66).

As to claim 4, Sakai provides for a correction factor operation means for performing an operation using said shooting color chart data and said predetermined color char data, to output a correction factor (Fig.1 element 15) which is a factor used for said correction, and an image data operation means for performing an operation for said original image data (Fig.1 element 12) using said correction factor output from said correction factor operation means, to output said predetermined image data (Fig.1 element 3).

In regard to claim 18. See the rejection of claim 1 above. It recites similar limitations as claim 18. Hence it is similarly analyzed and rejected.

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With regard to claim 19. See the rejection of claim 1 above. It recites similar limitations as claim 19. Except for a machine-readable recording medium (Fig.1 element 15 col.4 lines 45-46). Hence it is similarly analyzed and rejected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-13 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai et al. (U.S. 5,453,853) in view of Bayramoglu et al. (US 2002/0196972 A1).

In regard to claim 9, Sakai provides for a comparing means 13 compares the four color separation data C, M, Y, K obtained by the video camera with four color separation data C, M, Y, K obtained by the read-out by the printing scanner 6 to thereby detect gray level difference of respective colors at respective points (col.4 lines 33-39). Sakai does not provide expressly for subject is a target for a transaction process, and said image processing device is mounted to an information processing device presenting transaction information including said predetermined image data for said transaction process to a requesting source of the transaction information. Bayramoglu provides for subject is a target for a transaction process, and said image processing device is mounted to an information processing device presenting transaction information including said predetermined image data for said transaction process to a

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requesting source of the transaction information (paragraph 29). The prior art of Sakai et al. and Bayramoglu et al. are combinable because they are from the same field of endeavor (color correction). At the time of invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Bayramoglu with the system and method of Sakai, because when the color image is transmitted over the Internet from the web server to a web browser in a memory of a user computer system the computer system may belong to a user interested in viewing the picture or image of the merchandise on the color output device in order to make a decision as to whether to purchase the merchandise over the internet.

With regard to claims 10-11,13 and 16-17. See the rejection of claim 9 above. They recite similar limitations as claim 9. Hence they are similarly analyzed and rejected.

As to claim 12, Sakai provide for original image data storing means further stores shooting color chart data corresponding to each of original image data (Fig.1 element 13, col.4 lines 25-33).

Allowable Subject Matter

4. Claims 2, 5-8 and 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowed Claims

5. Claims 21-34 are allowed. The following is an examiner's statement of reasons for allowance: the invention of Sakai provides a color video still image

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processing system in which a color image obtained from a video signal of a video camera can demonstrate color reproduction similar to that of a color image printed by using a printing scanner, further the invention of Bayramoglu provides for a color correction technique involves sensing an illuminant and performing color correction based on the sensed illuminant. A color output device outputs an image with the color correction based on the sensed illuminant. **The prior art of Sakai et al. alone or in combination with prior art of Bayramoglu et al. do not teach or suggest for a color chart data storing means for storing, corresponding to each of one or more types of light sources, light source color chart data which is image data obtained by shooting said color chart using the light source; a light source designating data input means for inputting light source designating data indicating a type of a desired light source; an original image reading means for reading said original image data and said shooting color chart data corresponding to a desired subject from said original image data storing means; a color chart reading means for reading said light source color chart data corresponding to said desired light source from said color chart data storing means, based on said light source designating data inputted from said light source designating data input means a control means for correcting said original image data read by said original image reading means, using said shooting color chart data read by said original image reading means and said light source color chart data read by aid color chart reading means, such that said original image data is corrected to be**

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predetermined image data obtained by shooting said desired subject using said desired light source. As claimed in independent claim 21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 703-306-5915. The examiner can normally be reached on M-Thur 9:00-7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-3085246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ali Bayat


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Patent Examiner
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1/56/05

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PRIMARY EXAMINER